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Elaine C. Stracker	

PATENT
Attorney's Docket No.: 00041.10CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.
Serial No.: 10/735,496
Filed: 12/12/2003
Title DELIVERY OF COMPOUNDS FOR THE TREATMENT OF
MIGRAINE THROUGH AN INHALATION ROUTE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


In accordance with their continuing duty of disclosure under 37 CFR §§ §1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

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Respectfully submitted,

Date: SEP 24 2004


Elaine C. Stracker J.D., Ph.D., Reg. 43,166

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/735,496	
	Filing Date	12/12/2003	
	First Named Inventor	Joshua D. Rabinowitz	
	Art Unit	Not yet known	
	Examiner Name	To be assigned	
Total Number of Pages in This Submission		Attorney Docket Number	00041.10CON

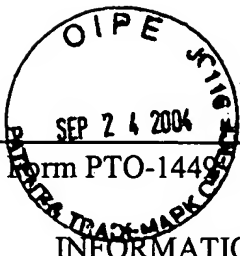
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Form PTO-1449

Docket Number: 00041.10 CON

Application Number: 10/735,496

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 12/12/2003

Group Art Unit: Not Yet Known

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebrethsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
	7.	12/09/1997	5,694,919	Rubsamen et al.			
	8.	04/07/1998	5,735,263	Rubsamen et al.			
	9.	04/14/1998	5,738,865	Baichwal et al.			
	10.	06/02/1998	5,758,637	Ivri et al.			
	11.	06/16/1998	5,767,117	Moskowitz			
	12.	06/29/1999	5,915,378	Lloyd et al.			
	13.	08/10/1999	5,934,272	Lloyd et al.			
	14.	09/28/1999	5,957,124	Lloyd et al.			
	15.	10/05/1999	5,960,792	Lloyd et al.			
	16.	11/30/1999	5,993,805	Sutton et al.			
	17.	03/28/2000	6,041,777	Faithfull et al.			
	18.	04/18/2000	6,051,566	Bianco			
	19.	08/01/2000	6,095,153	Kessler et al.			
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	21.	06/05/2001	6,241,969	Saidi et al.			
	22.	07/03/2001	6,255,334	Sands			
	23.	10/23/2001	6,306,431	Zhang et al.			
	24.	04/23/2002	6,376,550	Raber et al.			
	25.	10/08/2002	6,461,591	Keller et al.			

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	26.	01/14/2003	6,506,762	Horvath et al.			
	27.	02/04/2003	6,514,482	Bartus et al.			
	28.	07/15/2003	6,591,839	Meyer et al.			
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	31.	05/16/2002	US 2002/0058009	Bartus et al.			
	32.	07/04/2002	US 2002/0086852	Cantor			
	33.	08/22/2002	US 2002/0112723	Schuster et al.			
	34.	11/28/2002	US 2002/0176841	Barker et al.			
	35.	01/02/2003	US 2003/0004142	Prior et al.			
	36.	02/13/2003	US 2003/0032638	Kim et al.			

RELATED ALEXZA MOLECULAR DELIVERY CORPORATION PATENT DOCUMENTS

	37.	08/04/2003	10/633,876	Hale et al.			
	38.	08/04/2003	10/633,877	Hale et al.			
	39.	12/30/2003	10/749,537	Rabinowitz et al.			
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	41.	01/27/2004	10/766,149	Rabinowitz et al.			
	42.	01/27/2004	10/766,279	Rabinowitz et al.			
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	45.	01/27/2004	10/766,634	Rabinowitz et al.			
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	49.	01/29/2004	10/768,220	Rabinowitz et al.			
	50.	01/29/2004	10/768,281	Rabinowitz et al.			
	51.	01/29/2004	10/768,293	Rabinowitz et al.			
	52.	01/30/2004	10/769,046	Rabinowitz et al.			

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	53.	01/30/2004	10/769,051	Rabinowitz et al.			
	54.	01/29/2004	10/769,157	Rabinowitz et al.			
	55.	01/29/2004	10/769,197	Rabinowitz et al.			
	56.	02/09/2004	10/775,583	Rabinowitz et al.			
	57.	02/09/2004	10/775,586	Rabinowitz et al.			
	58.	03/03/2004	10/791,915	Hale et al.			
	59.	03/03/2004	10/792,001	Rabinowitz et al.			
	60.	03/03/2004	10/792,012	Hale et al.			
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	64.	03/31/2004	10/813,721	Rabinowitz et al.			
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	68.	04/01/2004	10/815,527	Rabinowitz et al.			
	69.	04/01/2004	10/816,407	Rabinowitz et al.			
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	72.	08/04/2004	10/912,462	Hale et al.			
	73.	01/23/2003	US 2003/0015196	Hodges et al.			
	74.	04/03/2003	US 2003/0062042	Wensley et al.			
	75.	11/13/2003	US 2003/0209240	Hale et al.			
	76.	01/02/2003	US 2003/0000518	Rabinowitz et al.			
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	80.	01/09/2003	US 2003/0007934	Rabinowitz et al.			
	81.	01/16/2003	US 2003/0012737	Rabinowitz et al.			

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Docket Number: 00041.10 CON

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	95.	01/30/2003	US 2003/0021755	Hale et al.			
	96.	02/20/2003	US 2003/0035776	Hodges et al.			
	97.	05/15/2003	US 2003/0091511	Rabinowitz et al.			
	98.	05/27/2004	US 2004/010148	Hale et al.			
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	101.	01/15/2004	US 2004/0009128	Rabinowitz et al.			
	102.	05/20/2004	US 2004/0096402	Hodges et al.			
	103.	05/27/2004	US 2004/0099269	Hale et al.			
	104.	06/03/2004	US 2004/0105818	Hale et al.			
	105.	06/03/2004	US 2004/0105819	Hale et al.			
	106.	07/01/2004	US 2004/0126326	Rabinowitz et al.			
	107.	07/01/2004	US 2004/0126327	Rabinowitz et al.			
	108.	07/01/2004	US 2004/0126329	Rabinowitz et al.			
	109.	07/01/2004	US 2004/0127481	Rabinowitz et al.			
	110.	07/01/2004	US 2004/0127490	Rabinowitz et al.			

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Applicant: Joshua D. RABINOWITZ et al.

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	111.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
	112.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
	113.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	114.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	115.	03/14/1990	EP 0 358 114	Europe			
	116.	07/03/2001	EP 1 080 720	Europe			
	117.	08/29/2001	EP 0 606 486	Europe			
	118.	04/11/1996	WO 96/09846	WIPO			
	119.	05/09/1996	WO 96/13161	WIPO			
	120.	05/09/1996	WO 96/13290	WIPO			
	121.	05/09/1996	WO 96/13291	WIPO			
	122.	05/09/1996	WO 96/13292	WIPO			
	123.	10/03/1996	WO 96/30068	WIPO			
	124.	08/07/1997	WO 97/27804	WIPO			
	125.	05/28/1998	WO 98/22170	WIPO			
	126.	07/23/1998	WO 98/31346	WIPO			
	127.	08/27/1998	WO 98/36651	WIPO			
	128.	04/08/1999	WO 99/16419	WIPO			
	129.	12/16/1999	WO 99/64094	WIPO			
	130.	01/06/2000	WO 00/00176	WIPO			
	131.	01/06/2000	WO 00/00215	WIPO			
	132.	05/18/2000	WO 00/27363	WIPO			

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number: 00041.10 CON	Application Number: 10/735,496
	Applicant: Joshua D. RABINOWITZ et al.	
	Filing Date: 12/12/2003	Group Art Unit: Not Yet Known

	133.	05/25/2000	WO 00/29053	WIPO			
	134.	09/17/2000	WO 00/47203	WIPO			
	135.	11/02/2000	WO 00/64940	WIPO			
	136.	11/09/2000	WO 00/66084	WIPO			
	137.	11/09/2000	WO 00/66206	WIPO			
	138.	12/21/2000	WO 00/76673	WIPO			
	139.	01/25/2001	WO 01/05459	WIPO			
	140.	03/28/2002	WO 02/24158	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	141.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	142.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	143.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	144.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society.</i> 966-974.
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	147.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.
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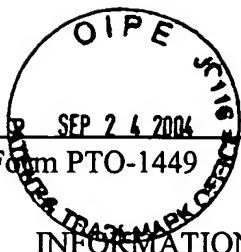
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EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 35%;">Docket Number: 00041.10 CON</td> <td style="width: 65%;">Application Number: 10/735,496</td> </tr> <tr> <td colspan="2">Applicant: Joshua D. RABINOWITZ et al.</td> </tr> <tr> <td>Filing Date: 12/12/2003</td> <td>Group Art Unit: Not Yet Known</td> </tr> <tr> <td colspan="2" style="height: 20px;"></td> </tr> </table>	Docket Number: 00041.10 CON	Application Number: 10/735,496	Applicant: Joshua D. RABINOWITZ et al.		Filing Date: 12/12/2003	Group Art Unit: Not Yet Known		
Docket Number: 00041.10 CON	Application Number: 10/735,496								
Applicant: Joshua D. RABINOWITZ et al.									
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149.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry & Behavior</i> . 36(1):1-7.
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151.	Huizer, H., "Analytical studies on illicit heron. V. Efficacy of volatilization during heroin smoking." <i>Pharmaceutisch Weekblad Scientific Edition</i> (1987). 9(4):203-211.
152.	Hurt, R.D., MD and Robertson, C.R., PhD, (October 1998). "Prying Open the Door to the Tobacco Industry's Secrets About Nicotine: The Minnesota Tobacco Trial," <i>JAMA</i> 280(13):1173-1181.
153.	Lichtman, A.H. et al. (1996). "Inhalation Exposure to Volatilized Opioids Produces Antinociception in Mice," <i>Journal of Pharmacology and Experimental Therapeutics</i> . 279(1):69-76.
154.	Martin, B.R. and Lue, L.P. (May/June 1989). "Pyrolysis and Volatilization of Cocaine," <i>Journal of Analytical Toxicology</i> 13:158-162.
155.	Mattox, A.J. and Carroll, M.E., (1996). "Smoked heroin self-administration in rhesus monkeys," <i>Psychopharmacology</i> , 125:195-201.
156.	Meng, Y. et al. "Inhalation Studies With Drugs of Abuse," <i>NIDA Research Monograph</i> , (1997) 173:201-224.
157.	Meng, Y., et al. (1999). "Pharmacological effects of methamphetamine and other stimulants via inhalation exposure," <i>Drug and Alcohol Dependence</i> . 53:111-120.
158.	Office Action mailed 8/13/2003 for US application 10/153,313 filed 05/21/2002 "DELIVERY OF BENZODIAZEPINES THROUGH AN INHALATION ROUTE"
159.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.
160.	Pankow, J. (March 2000). ACS Conference-San Francisco-3/26/00. Chemistry of Tobacco Smoke. pp. 1-8.
161.	Seeman, J. et al. (1999). "The Form of Nicotine in Tobacco. Thermal Transfer of Nicotine and Nicotine Acid Salts to Nicotine in the Gas Phase," <i>J. Agric. Food Chem.</i> 47(12):5133-5145.
162.	Sekine, H. and Nakahara, Y. (1987). "Abuse of Smoking Methamphetamine Mixed with Tobacco: 1. Inhalation Efficiency and Pyrolysis Products of Methamphetamine," <i>Journal of Forensic Science</i> 32(5):1271-1280.
163.	Vapotronics, Inc. (1998) located at http://www.vapotronics.com.au/banner.htm , 11 pages, (visited on June 5, 2000).
164.	Ward, M.E. MD, et al. (December 1997). "Morphine Pharmacokinetics after Pulmonary Administration from a Novel Aerosol Delivery System," <i>Clinical Pharmacology & Therapeutics</i> 62(6):596-609.

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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>		Docket Number: 00041.10 CON	Application Number: 10/735,496
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		Filing Date: 12/12/2003	Group Art Unit: Not Yet Known
	165.	Wood, R.W. et al. (1996). "Generation of Stable Test Atmospheres of Cocaine Base and Its Pyrolyzate, Methylecgonidine, and Demonstration of Their Biological Activity." <i>Pharmacology Biochemistry & Behavior</i> . 55(2):237-248.	
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	1.	02/02/1971	3,560,607	Hartley et al.			
	2.	05/27/1980	Re. 30,285	Babington			
	3.	01/23/1990	4,895,719	Radhakrishnun et al.			
	4.	09/17/1991	5,049,389	Radhakrishnun			
	5.	02/14/1995	5,388,574	Ingebretsen			
	6.	08/13/1996	5,544,646	Lloyd et al.			
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	15.	10/05/1999	5,960,792	Lloyd et al.			
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	22.	07/03/2001	6,255,334	Sands			
	23.	10/23/2001	6,306,431	Zhang et al.			
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	32.	07/04/2002	US 2002/0086852	Cantor			
	33.	08/22/2002	US 2002/0112723	Schuster et al.			
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	47.	01/28/2004	10/767,115	Rabinowitz et al.			
	48.	01/29/2004	10/768,205	Rabinowitz et al.			
	49.	01/29/2004	10/768,220	Rabinowitz et al.			
	50.	01/29/2004	10/768,281	Rabinowitz et al.			
	51.	01/29/2004	10/768,293	Rabinowitz et al.			
	52.	01/30/2004	10/769,046	Rabinowitz et al.			

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	53.	01/30/2004	10/769,051	Rabinowitz et al.			
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	111.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
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	114.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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							YES	NO
	115.	03/14/1990	EP 0 358 114	Europe				
	116.	07/03/2001	EP 1 080 720	Europe				
	117.	08/29/2001	EP 0 606 486	Europe				
	118.	04/11/1996	WO 96/09846	WIPO				
	119.	05/09/1996	WO 96/13161	WIPO				
	120.	05/09/1996	WO 96/13290	WIPO				
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	126.	07/23/1998	WO 98/31346	WIPO				
	127.	08/27/1998	WO 98/36651	WIPO				
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	130.	01/06/2000	WO 00/00176	WIPO				
	131.	01/06/2000	WO 00/00215	WIPO				
	132.	05/18/2000	WO 00/27363	WIPO				

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	149.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry & Behavior</i> . 36(1):1-7.
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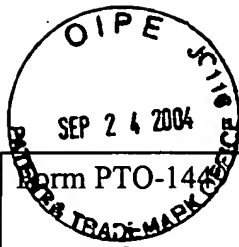
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	23.	10/23/2001	6,306,431	Zhang et al.			
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	49.	01/29/2004	10/768,220	Rabinowitz et al.			
	50.	01/29/2004	10/768,281	Rabinowitz et al.			
	51.	01/29/2004	10/768,293	Rabinowitz et al.			
	52.	01/30/2004	10/769,046	Rabinowitz et al.			

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Form PTO-1449

Docket Number: 00041.10 CON

Application Number: 10/735,496

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 12/12/2003

Group Art Unit: Not Yet Known

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	115.	03/14/1990	EP 0 358 114	Europe			
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	117.	08/29/2001	EP 0 606 486	Europe			
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		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 12/12/2003	Group Art Unit: Not Yet Known
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159.	Pankow, J.F. et al. (1997). "Conversion of Nicotine in Tobacco Smoke to Its Volatile and Available Free-Base Form Through the Action of Gaseous Ammonia," <i>Environ. Sci. Technol.</i> 31:2428-2433.		
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Group Art Unit: Not Yet Known

165.

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